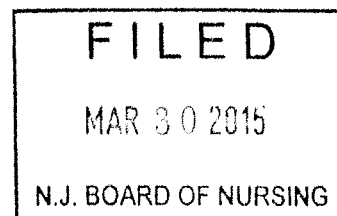
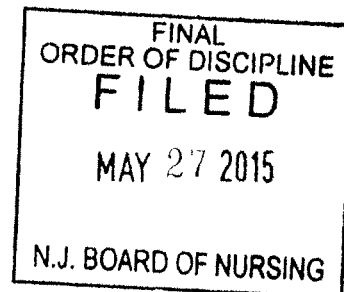


Provisional order

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
	:	
MATTHEW SMITH, L.P.N.	:	
License # 26NP <del>0692222300</del>	:	<input checked="" type="checkbox"/> FINAL ORDER
06922300	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on May 27, 2015)
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

### FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about August 29, 2014, a letter of inquiry was sent to respondent at his address of record on behalf of the Board, asking for information and documentation concerning an arrest on July 26, 2014 on charges related to possession of a controlled dangerous substance (CDS), as well as other information relating to respondent's nursing practice. (Exhibit A)

3. Respondent's attorney furnished a partial response to the inquiry, sending in a copy of the summons/complaint which indicated that unauthorized possession/use of Alprazolam was at issue in the arrest, but failing to provide information concerning respondent's nursing employment. (Exhibit A)

4. On or about October 19, 2014, a letter of inquiry was sent to respondent at his address of record by certified and regular mail, asking for information about another arrest, on October 10, 2014, on charges of possession of CDS, failure to give CDS to the police, and possession of drug paraphernalia. (Exhibit B) The certified mailing of the letter of inquiry was signed for. (Exhibit B) The regular mailing of the letter was not returned. No response to this second letter has been received to date.

CONCLUSIONS OF LAW

1. Respondent's failure to fully respond to the Board's first inquiry, and failure to provide any response to the Board's second inquiry, constitutes a failure to cooperate within the intendment of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

2. Respondent's two arrests on drug-related charges are a sufficient basis for require respondent to undergo evaluation and monitoring pursuant to N.J.S.A. 45:1-22(f), in order to demonstrate that his continued practice of nursing does not place the public at risk.

ACCORDINGLY, IT IS on this 30<sup>th</sup> day of March, 2015, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Respondent's New Jersey nursing license is hereby suspended until he has fully responded to the Board's inquiries, and until he is able to demonstrate that he is fit and competent to practice nursing by undergoing evaluation and monitoring under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP).

2. A civil penalty in the amount of \$500 is hereby imposed upon respondent for the violation of N.J.A.C. 13:45C-1.2, -1.3. Payment shall be in the form of a certified check

or money order, made payable to the State of New Jersey, and shall be sent to the attention of George Hebert, Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07101, within twenty one (21) days of the filing of the Final Order of Discipline in this matter.

3. Upon finalization of this order, respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional Nurse until such time as his license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

4. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

5. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

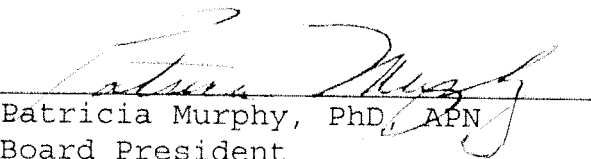
6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

7. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of

N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may  
subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APN  
Board President